

sentatives, so far from asking for its then dissolution, have, some of them, insisted on its continuance; and his widow and administratrix has only called for a settlement on the apparent presumption of its continuance; the partnership must, therefore, be taken to have been continued on its then existing terms, by the express or implied consent and contract of all concerned. All the property belonging to the partnership, of whatsoever nature or kind, must be considered as its estate; and being so held by those individuals in their associated capacity as a partnership, must be treated as liable, exclusively, and in the first place, to none other than claims against that artificial capacity or person. And, consequently, whether such property of the partnership be considered as real or personal estate, none of it can be held liable to the claim of a creditor, dowress, heir, devisee, widow, legatee, or next of kin, of any living or deceased partner, in his natural capacity, until all claims against the partnership have been satisfied, and the whole concern has been so completely wound up and adjusted, as to enable each member of the partnership to take his due share of the surplus or residuum in his individual or natural capacity. And as a widow of a deceased partner can have dower assigned to her out of none other than such real estate of inheritance of which her husband had been, in his natural capacity, sole seized during the coverture; and as it does not appear that Samuel Hayes, deceased, was at any time so seized of any real estate held by the partnership, as in the proceedings mentioned, his widow can have no right to dower, as claimed by her bill of complaint. And recollecting, moreover, that as no one of the partners, or his representatives can be entitled to anything more than his due share of so much of the partnership property as remains after all its concerns have been entirely closed, it is only that residuum which is to be distributed according to its true value; and as that true value can only be ascertained by an actual sale, it has been deemed necessary in all cases, to have it all sold, whether consisting of real or personal estate, so as to make an accurate distribution of the net proceeds of sale, considering the whole as personalty, among the partners according to the